

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

G.M. SIGN, INC., Individually)	Docket No. 10 C 7854
and as the representative of a)	
class of similarly-situated)	
persons,)	
)	
Plaintiffs,)	Chicago, Illinois
)	April 4, 2012
v.)	9:53 a.m.
)	
PLASTI-MACH CORP. and ROBERT)	
ROSEN,)	
)	
Defendants.)	

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE RUBEN CASTILLO

APPEARANCES:

For the Plaintiffs:	BOCK & HATCH LLC by MS. MARGARET E. VINCENT 134 North LaSalle Street Suite 1000 Chicago, Illinois 60602
For the Defendants:	THE FISH LAW FIRM PC by MR. DAVID J. FISH 1770 North Park Street Suite 202 Naperville, Illinois 60563

Court Reporter:	GAYLE A. McGUIGAN, CSR, RMR, CRR Federal Official Court Reporter 219 South Dearborn, Room 1944 Chicago, Illinois 60604 312-435-6047 Gayle_McGuigan@ilnd.uscourts.gov
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1 (In open court.)

2 THE CLERK: 10 C 7854, GM Sign versus Plasti-Mach.

3 THE COURT: Good morning.

4 MR. FISH: Good morning, your Honor. David Fish for
5 the defendants.

6 MS. VINCENT: Good morning, your Honor. Margaret
7 Vincent on behalf of the plaintiffs.

8 THE COURT: Okay. So have you talked about trying to
9 resolve this case?

10 MR. FISH: We have somewhat informally, Judge.

11 THE COURT: Uh-hum. Where have you gotten?

12 MR. FISH: Not very far -- excuse me, not very far,
13 Judge.

14 THE COURT: So what you're telling me is the case is
15 not going to settle.

16 MR. FISH: I don't know that that's the case, Judge.

17 I think, from our perspective, we would like a ruling
18 on our motion to dismiss.

19 THE COURT: Okay.

20 MR. FISH: And the defendants yesterday, by the way --
21 or the plaintiff, I'm sorry, Judge, filed a motion for leave to
22 file a response to our motion.

23 THE COURT: Uh-hum.

24 MR. FISH: And I think they have it noticed up for
25 next week.

1 THE COURT: Okay.

2 MR. FISH: We do object to it. It's over a month
3 late, Judge.

4 THE COURT: Okay.

5 MR. FISH: I think it's -- the case was filed in 2010,
6 late 2010, and I don't think that their position should be
7 heard.

8 THE COURT: Okay.

9 MR. FISH: But in any event, Judge, that's kind of
10 where we're at.

11 THE COURT: Okay. Do you have a copy of your motion?
12 I haven't seen it.

13 MS. VINCENT: You know, I have a copy, which I have
14 notes on. I can get a --

15 THE COURT: That's fine.

16 MS. VINCENT: Yeah? Okay.

17 (Tendered.)

18 MS. VINCENT: That's the motion for leave to file
19 instanter, and then the response itself, which was the exhibit.

20 THE COURT: I take it you're covering this case for
21 Mr. Wanca.

22 MS. VINCENT: Correct. We work together, our two
23 offices, on cases, so ...

24 THE COURT: And your office is which office?

25 MS. VINCENT: I'm with Bock & Hatch.

1 MR. FISH: Judge, from our perspective, the motion --

2 THE COURT: You don't have to say anything.

3 MR. FISH: Okay.

4 THE COURT: Here, I'm going to give this back to you.

5 So explain to me what you're doing in this case.

6 Have you been responsible for this case from the point
7 it was filed?

8 MS. VINCENT: Myself individually?

9 THE COURT: Yes. Individually.

10 MS. VINCENT: No.

11 THE COURT: Okay. Because, look, this is what's going
12 to happen. It's not going to be a good day for you today. And
13 I don't want to kill the messenger, but whoever is responsible
14 for this case has totally botched this case up, as far as I'm
15 concerned.

16 Number one, the case is being filed very late under
17 the statute of limitations.

18 Number two, the case wasn't served within the required
19 120-day period, which is the subject of their motion to
20 dismiss.

21 I inherited this case from Judge Hibbler upon his
22 death, and the case was reassigned to me.

23 Before the case was reassigned to me, there was a
24 briefing schedule set whereby your response to this motion to
25 dismiss, which is a mandatory motion to dismiss, once you don't

1 file or serve a complaint within 120 days, the rule says the
2 complaint must be dismissed.

3 And I'm very cognizant of the fact what's going to
4 follow is when I grant the motion, which I will in about ten
5 seconds, that dismissal is without prejudice.

6 But when you come back here and try and refile it,
7 they're going to say the statute of limitations is over.

8 MS. VINCENT: Right. And that's actually the
9 subject -- well, part of the subject of our response --

10 THE COURT: That's part of your response. Okay.

11 But you're standing here -- number one, no one filed
12 the response on March 6th.

13 MS. VINCENT: Correct.

14 THE COURT: That was just not done. That's almost 30
15 days ago.

16 You filed a motion just -- when did you file this
17 motion?

18 MS. VINCENT: Yesterday.

19 THE COURT: Yesterday. That's April 3rd. More than
20 three weeks after your response was due.

21 It's just what I see as a pattern of this entire case.

22 One, it's filed late on the eve of the statute of
23 limitations.

24 Two, you have 120 days to serve the complaint or come
25 in before Judge Hibbler and ask for an extension. That wasn't

1 done.

2 Finally, the case is served.

3 You're met with a motion to dismiss. He sets a
4 briefing schedule. You don't meet that motion.

5 So this is the end result:

6 Number one, your request for an extension is denied.

7 Number two, the case is dismissed without prejudice
8 pursuant to Rule 4.

9 MR. FISH: Thank you, Judge.

10 THE COURT: Thank you.

11 MS. VINCENT: Thank you, your Honor.

12 (Proceedings concluded.)

13 C E R T I F I C A T E

14 I certify that the foregoing is a correct transcript of the
15 record of proceedings in the above-entitled matter.

16

17

18 /s/ GAYLE A. McGUIGAN
Gayle A. McGuigan, CSR, RMR, CRR
Official Court Reporter

April 23, 2012
Date

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